

**UNITED STATES DISTRICT COURT  
DISTRICT OF VERMONT**

SARAH E. CUMMINGS, on behalf of herself )  
and all others similarly situated, )  
  )  
  )  
Plaintiff, )  
  )  
  )  
v. )  
  ) Docket No. 1:12-cv-93  
TEACHERS INSURANCE AND ANNUITY )  
ASSOCIATION OF AMERICA – COLLEGE )  
RETIREMENT AND EQUITIES FUND )  
(TIAA-CREF), COLLEGE RETIREMENT )  
AND EQUITIES FUND (CREF), TEACHERS )  
INSURANCE AND ANNUITY )  
ASSOCIATION OF AMERICA (TIAA), )  
TIAA-CREF INVESTMENT )  
MANAGEMENT, LLC (TCIM), TEACHERS )  
ADVISORS, INC. (TAI), AND TIAA-CREF )  
INDIVIDUAL AND INSTITUTIONAL )  
SERVICES, LLC, )  
  )  
Defendants. )

**STIPULATION OF THE PARTIES REGARDING EARLY NEUTRAL EVALUATOR**

Counsel report that they have met and conferred regarding Early Neutral Evaluation and hereby jointly stipulate and agree to participate in the Early Neutral Evaluation of this matter pursuant to Local Rule 16.1. All parties further jointly stipulate and agree to the following evaluator pursuant to Local Rule 16.1(d)(4):

Hon. Edward A. Infante (Ret.)  
JAMS  
Two Embarcadero Center  
Suite 1500  
San Francisco, CA 94111

The parties are further conferring with Judge Infante on a date for the Early Neutral Evaluation, and anticipate that it will take place in November 2015. The parties stipulate that the fees will be split between the parties 50/50.

Dated: August 28, 2015

Respectfully submitted,



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*For Plaintiff*

August 28, 2015

/s/ Richard C. Carroll

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*For Defendants*

August 28, 2015